

REMARKS

Attorney for Applicant has carefully reviewed the outstanding Office Action on the above-identified application. Applicant has amended the application as set forth above, and respectfully submits that the application, as amended, is in condition for allowance.

Applicant has canceled claims 23 and 24, and amended claim 25 to address the informalities set forth in the Office Action under 35 USC 112, second paragraph.

Applicant has amended claim 1 and respectfully submits that amended claim is patentable over the references cited in the Office Action under 35 USC 102(b). Applicant's claimed invention, as set forth in amended claim 1, includes a body housing, a head assembly including a head and neck, connection means for connecting the head assembly to the body housing **which allows for movement of the head through a range of motion by wind, and counterbalancing means including an arm connected to the neck at one end, and a weight at the opposite end, for balancing the head assembly in a neutral position at an intermediate position along the range of motion, with respect to the body housing at the connection means, so the head assembly can move from the neutral position forward or rearward along the range of motion in response to wind and without any external force other than gravity.**

Applicant respectfully submits that neither Thorsnes, Jr., Lanius, nor McKinney, nor any of the other references of record, taken either alone or in combination, teach or suggest all of the elements of amended claim 1. Specifically, each of the cited references requires some force, other than wind to move a head assembly from a neutral position. In the cited references, the force is a tug that is transferred via a string interconnected with the head assembly, that moves the head assembly from a position biased at one end of the range of motion. Further, none of these references teach or suggest maintaining the head assembly in a neutral position at an intermediate position along the range of motion so that the head assembly can move forward or rearward along the range of motion in response to wind and without any external force other than gravity.

Thorsnes, Jr., U.S. Patent No. 3,927,485, discloses a buoyant water fowl decoy with an attached string and pulley system. The string can be manually pulled by a person, causing the head and neck portion of the decoy to pivot downward toward the water, to simulate feeding. The head and neck portion is normally biased in an upright position at an upper end of its range of motion.

Lanius, U.S. Patent No. 5,274,942, discloses a decoy having a pivotally mounted head interconnected with a weight inside the body. The weight normally biases the head to a raised position at an upper end of its range of motion.

McKinney, U.S. Patent No. 4,965,953, discloses a remote controlled turkey decoy with a head/neck assembly which can be manually pivoted downwardly by an attached string. The head/neck assembly is normally biased in a raised position at an upper end of its range of motion.

None of these references provide for balancing the head assembly in a neutral position at an intermediate position along the range of motion to allow for the head assembly to move from the neutral position forward or rearward along the range of motion in response to wind and without any external force other than the force of gravity. Indeed, it does not seem possible that wind, alone, could move the head assemblies of any of the cited references. Certainly, if it could, the movement would only be in one direction as each reference normally biases the assembly at an end point in the range of motion, rather than at an intermediate position as claimed by Applicant. Accordingly, Applicant submits that claim 1 is patentable over the cited references taken either alone or in combination.

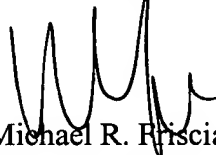
Applicant respectfully submits that claim 9, which depends from claim 1, is likewise patentable over the cited references.

Applicant notes that claims 15-17, 20-22 and 26-28 are allowed. Applicant also notes that claims 2 and 4-6 are indicated as having allowable subject matter. Applicant submits that because claim 1 is generic, upon allowance, claims 3 and 10-14, which depend from claim 1, should be considered.

All issues raised in the Office Action are believed to have been addressed. Claims 1-22 and 25-28 are pending in this application. Applicant submits that all of these claims are allowable. No new matter is believed to have been entered. Reexamination is requested and favorable action solicited.

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Respectfully submitted,



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